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I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as first class mail, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on or before November 16, 2009.

11.16.09  
Date

William L. King III  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Tonar et al.  
Examiner : Alicia Toscano  
Serial No. : 10/085,434  
Group Art Unit : 1796  
Confirmation No. : 4510  
Filed : February 28, 2002  
Attorney Docket No. : GEN-001323 C3  
Title : ELECTROCHROMIC LAYER AND DEVICES  
COMPRISING SAME

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND COMMUNICATION**

Dear Sir:

This is in response to the Office Action mailed May 15, 2009, directed to the above-identified application. Please consider the following remarks toward reconsideration of the application and passage to allowance thereof.